

MONTANA HIGHWAY PATROL
615A SOUTH 27 STREET, BILLINGS, MT 59101

INCIDENT REPORT

Report Number I0052572-01	Report Date / Time 09/19/2017 10:56 PM	Reporting Agency MONTANA HIGHWAY PATROL
Agency Case Number	Agency CAD Number MHP17CAD128204	Range of Occurrence Date/Time 09/19/2017 10:20 PM to 09/19/2017 10:20 PM

INCIDENT TYPE(S)

DRUG SEIZURE / MISDEMEANOR - TRAFFIC

INCIDENT LOCATION

County YELLOWSTONE (03)	Location 2ND SHIFT BAR & CASINO	Latitude 45.79629629	Longitude -108.46232433
Street Address US 87 E & LOCKWOOD RD	City NOT IN CITY LIMITS (000)	State MT	Zip Code 59101

OTHER RELATED LOCATION

County YELLOWSTONE (03)	Location US 87 E & LOCKWOOD RD (2ND SHIFT BAR & CASINO)	Latitude 45.79629629	Longitude -108.46232433
Street Address	City NOT IN CITY LIMITS (000)	State	Zip Code

PERSON: SUSPECT

First Name STEVEN	Middle Name WAYNE	Last Name PHILLIPS	Suffix	Date of Birth 07/20/1978	Age 39	Race W	Sex M	Height 509	Weight 165	Hair BRO	Eyes BRO	Marital Status SINGLE
Master Name Index Number	Custodial Status NOTARRESTED	Driver's License or Other ID 0707819784120	State MT	Class or Type D	Expires 07/20/2020							
Address 1645 AUGSBURG DRIVE	Address (Other)	City BILLINGS	State MT	Zip Code 59105	Phone 406-850-2285	Phone (Other)						
Vehicle on Report Associated with Person TagNo: 2211090 State: MT Year: 2003 Make: CHEV Model: SILVERADO						Person's Role in Vehicle DRIVER						
Occupation		Employer ED'S SALVAGE AND RECYCLE				Master Business Index Number						
Address		Address (Other)		City HARDIN	State	Zip Code	Phone		Phone (Other)			

ARREST INFORMATION

County of Arrest	Location Description
Arrest Delivered To (Jail / Booking Facility)	
Arresting Officer KRISTY KEES	Rank TROOPER
Badge / ID Number 2006	Unit / Assignment MHP348-41D

CHARGES

Violation	Counts	Violation Type	Violation Classification / Level
> 45-10-103	1	MONTANA CODE	CRIMINAL: COURT REQUIRED (PENDING REVIEW)
Criminal Possession Of Drug Paraphernalia			
> 45-8-340 (1)	1	MONTANA CODE	CRIMINAL: COURT REQUIRED (PENDING REVIEW)
Sawed-Off Firearm (Rifle Or Shotgun) - 1st Offense			
> 45-9-102(4)	1	MONTANA CODE	CRIMINAL: COURT REQUIRED (PENDING REVIEW)
Criminal Possession Of Dangerous Drugs - Opiate/Meth			
> 45-9-102(6)	1	MONTANA CODE	CRIMINAL: COURT REQUIRED (PENDING REVIEW)
Criminal Possession of Dangerous Drugs Not Otherwise Provided For In Subsections (2) Through (5)			
> 61-3-312	1	MONTANA CODE	TRAFFIC VIOLATION: COURT REQUIRED
Operating With Expired Registration - Failure to Reregister			

VEHICLE

State & License Plate Number/Expires MT 2211090 12/31/2011	VIN 1GCHK231X3F172101	Year 2003	Make CHEV	Model SILVERADO	Style PICKUP	Color WHI
<input type="checkbox"/> CMV	<input type="checkbox"/> HazMat	Released to	<input type="checkbox"/> Vehicle Towed			

Persons Related to Vehicle
DRIVER: Phillips, Steven Wayne

NARRATIVE

On September 19, 2017, I, Trooper Kristy Kees, was on duty and patrolling in Yellowstone County, Montana. I was wearing a full working uniform and operating a marked patrol vehicle. I was traveling southbound on Main Street. The vehicle in front of me appeared to have an expired registration tag. I ran a registration check on the vehicle, a 2003, white, Chevrolet Silverado bearing the Montana license plate of 22-11090. The vehicle registration showed that it had been expired since 2011. The Montana Highway Patrol dispatch confirmed the expiration for me, and I initiated a traffic stop with the vehicle at the 2nd Shift Bar and Casino off US 87E near Lockwood Road.

I approached the passenger side of the vehicle and greeted the single male driver. I informed the male of the reason that I had pulled him over. The male's eyes appeared blood shot. I moved over to the driver's side door so I could speak with the driver better, as his engine was making it hard to hear him on the passenger side. When I asked, Mr. Phillips told me that he was heading down to Hardin for work. Mr. Phillips stated he worked for Ed's Salvage and Recycling. The male handed me an insurance card for the vehicle without me prompting, and I asked him if I could see his driver's license as well. I identified the male driver with his Montana driver's license as a Mr. Steven Wayne Phillips (DOB: 07/20/1978). Mr. Phillips' appearance suggested possible drug use, as his teeth appeared rotten and some were missing. His face also appeared more gaunt and hollowed out than his picture on his driver's license. Mr. Phillips stated that he had bought the vehicle from Ed's Salvage and was waiting to get the

INCIDENT SYNOPSIS

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EXHIBIT

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USAO-009

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title. Mr. Phillips thought that he had bought the vehicle around June of 2017. While I spoke with him, Mr. Phillips talked slowly and mumbled at times.

Mr. Phillips could not provide any paperwork on the sale of the vehicle or the registration, so I asked Mr. Phillips if I could open the driver's side door to check the VIN. Mr. Phillips said I could. As I was recording the VIN, I noticed multiple prescription medication bottles in the door pocket of the driver's side door. I asked Mr. Phillips about the medication and if I could see it. Mr. Phillips handed me the first bottle and I noted the name information on the label had been blacked out with a marker. This bottle was full of pills and identified them as Cyclobenzaprine, a muscle relaxant. The second bottle did not have any labels on it and contained pills that I later identified by their markings as Amphetamine/Dextroamphetamine, or Adderall. The third bottle appeared empty. None of the medication belonged to Mr. Phillips. Mr. Phillips stated that the medications were ones that were in the salvaged cars and then began talking in mumbled statements that didn't make complete sense, saying, "The ones that we find are the ones...shit that you find in the junkyard cars up there... and take care of them (medications) and disperse them."

I ran Mr. Phillips information through MHP Dispatch and asked them to run a III for prior drugs. MHP dispatch later informed me that Mr. Phillips did have prior drug history. Due to Mr. Phillips blood-shot eyes, sluggish behavior and speech, and the presence of medications in the vehicle, I decided to run him through the Standardized Field Sobriety Tests. I asked Mr. Phillips to step out of his vehicle and walk back to my car with me. Mr. Phillips once again started talking about how they get medication out of the vehicles that come into the salvage yard, stating that probably "eighty percent" of the vehicles have pills, pill bottles, and paraphernalia in them. Mr. Phillips then stated that the muscle relaxants belonged to his boss' wife. When I asked, Mr. Phillips stated her name was Kim but that he did not know her last name. Trooper Joshua French arrived on scene as back up.

At the conclusion of the SFST's, Mr. Phillips did not show impairment. Mr. Phillips' demeanor throughout the investigation continued to be relaxed and border-line lethargic. I asked Mr. Phillips if he had taken any of the pills that were in his vehicle. Mr. Phillips stated that he had not. When I asked Mr. Phillips why the label had been blacked out on the muscle relaxant's bottle, he stated it had been like that when he got them. I asked Mr. Phillips why he had the pills. Mr. Phillips then stated that they collect the pills from the vehicles and then give them to another unknown person who works at the hospital and she disposes of the pills there. This did not explain why he was in possession of pills that he said belonged to "Kim."

Due to the presence of medication in the vehicle, I asked Mr. Phillips for consent to search his vehicle. Mr. Phillips said, "I don't really see any need to, but like I said I'm not hiding anything..." I clarified that Mr. Phillips was denying consent to have his vehicle searched and he began to mumble so that I could not understand what he said. I asked once again for Mr. Phillips to clarify his answer. Mr. Phillips mumbled incoherently again before saying, "No, I wouldn't, I don't...I don't need it searched." I asked Mr. Phillips if there was anything in the vehicle. Mr. Phillips stated there was pizza in the vehicle. I asked Mr. Phillips if there was a reason why he wouldn't let us search the vehicle. Mr. Phillips stated that he had his hunting stuff in there. I asked Mr. Phillips if there were any guns in the vehicle. Mr. Phillips stated that he had his hunting rifle in there. I asked Mr. Phillips if there were any additional pistols or knives in the vehicle, to which he said there was not. Mr. Phillips then stated there were actually two rifles in the vehicle. Mr. Phillips stated both weapons were unloaded.

I asked MHP Dispatch to see if Billings PD or Yellowstone County had a K-9 on. They informed me that BPD did have a dog on and would be responding. While I was doing this, Mr. Phillips admitted prior methamphetamine use to Trooper French. I explained the situation to Mr. Phillips while waiting for the K-9. Officer Nyquist arrived on scene a short while later and deployed K-9 Recon. Officer Nyquist informed me that Recon had positively indicated on the vehicle. I informed Mr. Phillips that the K-9 had hit on the vehicle and I would be seizing it. I ensured I had current contact information for Mr. Phillips and released him to his own recognizance. Hanser's Towing arrived on scene and I followed them back to the DCI Garage, where I secured the vehicle pending a search warrant.

DCI wrote and applied for a search warrant, which was later granted. DCI then searched the vehicle and found multiple pistols and rifles in the vehicle, some loaded. One rifle had a sawed-off barrel. Two methamphetamine pipes and a clear plastic bag, all containing residue, were found as well. The residue tested positive for methamphetamine. The paraphernalia and drug related items were taken and secured as evidence into MHP Evidence. The firearms were taken and secured by DCI.

The following pending citations will be sent to the County Attorney's Office:

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45-9-102(4) - CRIMINAL POSSESSION OF DANGEROUS DRUGS - OPIATE/METH

45-9-102(6) - CRIMINAL POSSESSION OF DANGEROUS DRUGS NOT OTHERWISE PROVIDED FOR IN SUBSECTIONS (2) THROUGH (5)

45-10-103 - CRIMINAL POSSESSION OF DRUG PARAPHERNALIA


45-8-340 [1] - SAWED-OFF FIREARM (RIFLE OR SHOTGUN) - 1ST OFFENSE

61-3-312 - OPERATING WITH EXPIRED REGISTRATION - FAILURE TO REREGISTER

Trooper Kristy Kees
|||||END OF REPORT|||||

EVIDENCE RECORD				
Item 1	Evidence Number	Quantity 2	Currency Value	Description 2 GLASS METH PIPES
Item 2	Evidence Number	Quantity 1	Currency Value	Description 1 PLASTIC BAGGIE WITH METHAMPHETAMINE RESIDUE
Item 3	Evidence Number	Quantity 2	Currency Value	Description 1 PILL BOTTLE WITH LARGE AMOUNT OF CYCLOBENZAPRINE PILLS; 1 PILL BOTTLE WITH 4 ADDERAI

RELATED REPORTS	
Report Name	Report Number / Description
Notice To Appear And Complaint	510 A772469 E
Notice To Appear And Complaint	510 A772472 E
Notice To Appear And Complaint	510 A772470 E
Notice To Appear And Complaint	510 A772473 E
Notice To Appear And Complaint	510 A772471 E
Traffic Warning / Faulty Equipment	W0647966

REPORTING OFFICER / SUPERVISOR APPROVAL					
Reporting Officer			Approving Supervisor		
ID Number 2006	Rank TROOPER	Name KRISTY KEES	ID Number	Rank	Name
Signature 			Signature		